

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

GILBERT M. MARTINEZ,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al,

Defendants.

CIVIL ACTION
NO. 17-3264

ORDER

AND NOW, this 26th day of October, 2018, upon consideration of all pending motions, responses and replies, it is hereby **ORDERED** as follows:

1. The Motion to Dismiss for Failure to State a Claim of Defendant Rahn's Trucking (Docket No. 24) is **GRANTED**;
2. The Motion to Dismiss for Failure to State a Claim of Defendant New Enterprise Stone & Lime Co., Inc., (Docket No. 26) is **GRANTED**;
3. The Motion to Dismiss for Failure to State a Claim of Defendant Easton Coach (Docket No. 28) is **GRANTED**;
4. Plaintiff's Second Amended Complaint is **DISMISSED WITH PREJUDICE**, as any amendment would be futile; and
5. The Clerk shall mark this matter closed.

BY THE COURT:

s/s JEFFREY L. SCHMEHL, J.
Jeffrey L. Schmehl, J.